

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

RENEE D. EDWARDS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 16-cv-284-KEW
)	
NANCY A. BERRYHILL,)	
Acting Commissioner of)	
Social Security,)	
)	
Defendant.)	

**OPINION AND ORDER AWARDING
ATTORNEY'S FEES TO THE PLAINTIFF UNDER THE EAJA**

Plaintiff was the prevailing party in this action under the Social Security Act. Plaintiff filed a request for attorney fees under the Equal Access to Justice Act [Docket Nos. 22]. The parties have now filed a Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act [Docket No. 24], indicating that the parties have stipulated to an attorney fee in the amount of \$6,300.00, a reduction of \$753.80 from the amount originally requested by Plaintiff.

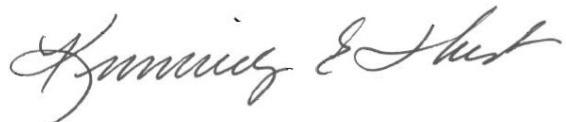
Upon review of the record herein, the Court finds that said amount is reasonable and that the Commissioner should be ordered to pay it to the Plaintiff as the prevailing party herein.

See 28 U.S.C. § 2412(d)(1)(A) (“Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses . . . incurred by that party in any civil action (other than cases sounding in tort)[.]”); see also

Manning v. Astrue, 510 F.3d 1246, 1251 (10th Cir. 2007) (“The EAJA therefore permits attorney’s fees reimbursement to financially eligible prevailing parties, who make a proper application, and not to their attorneys.”).

Accordingly, IT IS ORDERED that the Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act [Docket No. 24] is hereby GRANTED, and Plaintiff's Motion for Attorney Fees [Docket No. 22] is moot. The Government is hereby ordered to pay the above-referenced amount to the Plaintiff as the prevailing party herein. IT IS FURTHER ORDERED that if the Plaintiff's attorney is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b)(1), said attorney shall refund the smaller amount of such fees to the Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

DATED this 18th day of December, 2017.



KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE

SUBMITTED AND APPROVED BY:

Electronically submitted 12/14/17

NARISSA C. WEBBER
Special Assistant United States Attorney

Approved 12/12/17

TIMOTHY M. WHITE
Attorney for Plaintiff